

CONFERENCE COMMITTEE REPORT DIGEST FOR EHB 1172

Citations Affected: IC 16-34-2-1.1.

Synopsis: Written information before an abortion. Provides that informed consent to an abortion includes the requirement that a physician inform a pregnant woman that a fetus might feel pain. Provides further that notice must be given in writing at least 18 hours before an abortion concerning the availability of adoptions, concerning physical risks to the woman in having an abortion, and that human physical life begins when a human ovum is fertilized by a human sperm. **(This conference committee report adds language that requires providing a patient with information that states that: (1) a fetus might feel pain; and (2) human physical life begins when a human ovum is fertilized by a human sperm.)**

Effective: July 1, 2006.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill No. 1172 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 16-34-2-1.1, AS AMENDED BY P.L.36-2005,
- 3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2006]: Sec. 1.1. (a) An abortion shall not be performed except
- 5 with the voluntary and informed consent of the pregnant woman upon
- 6 whom the abortion is to be performed. Except in the case of a medical
- 7 emergency, consent to an abortion is voluntary and informed only if the
- 8 following conditions are met:
- 9 (1) At least eighteen (18) hours before the abortion and in the
- 10 presence of the pregnant woman, the physician who is to perform
- 11 the abortion, the referring physician or a physician assistant (as
- 12 defined in IC 25-27.5-2-10), an advanced practice nurse (as
- 13 defined in IC 25-23-1-1(b)), or a midwife (as defined in
- 14 IC 34-18-2-19) to whom the responsibility has been delegated by
- 15 the physician who is to perform the abortion or the referring
- 16 physician has orally informed the pregnant woman of the
- 17 following:
- 18 (A) The name of the physician performing the abortion.
- 19 (B) The nature of the proposed procedure or treatment.
- 20 (C) The risks of and alternatives to the procedure or treatment.
- 21 (D) The probable gestational age of the fetus, including an offer
- 22 to provide:

- 1 (i) a picture or drawing of a fetus;
 2 (ii) the dimensions of a fetus; and
 3 (iii) relevant information on the potential survival of an unborn
 4 fetus;
 5 at this stage of development.
 6 (E) The medical risks associated with carrying the fetus to term.
 7 (F) The availability of fetal ultrasound imaging and auscultation
 8 of fetal heart tone services to enable the pregnant woman to view
 9 the image and hear the heartbeat of the fetus and how to obtain
 10 access to these services.
 11 **(G) The fetus might feel pain.**
 12 (2) At least eighteen (18) hours before the abortion, the pregnant
 13 woman will be orally informed of the following:
 14 (A) That medical assistance benefits may be available for
 15 prenatal care, childbirth, and neonatal care from the county
 16 office of family and children.
 17 (B) That the father of the unborn fetus is legally required to
 18 assist in the support of the child. In the case of rape, the
 19 information required under this clause may be omitted.
 20 ~~(C) That adoption alternatives are available and that adoptive~~
 21 ~~parents may legally pay the costs of prenatal care, childbirth, and~~
 22 ~~neonatal care.~~
 23 **(3) At least eighteen (18) hours before the abortion, the**
 24 **pregnant woman will be informed in writing of the following:**
 25 **(A) That adoption alternatives are available, that there are**
 26 **many couples who are willing and waiting to adopt a child,**
 27 **and that adoptive parents may legally pay the costs of**
 28 **prenatal care, childbirth, and neonatal care.**
 29 **(B) That there are physical risks to the woman in having an**
 30 **abortion, both during the abortion procedure and after.**
 31 **(C) That human physical life begins when a human ovum is**
 32 **fertilized by a human sperm.**
 33 ~~(3)~~ **(4)** The pregnant woman certifies in writing, before the
 34 abortion is performed, that the information required by
 35 subdivisions (1) ~~and (2)~~ **through (3)** has been provided.
 36 (b) Before an abortion is performed, the pregnant woman may, upon
 37 the pregnant woman's request, view the fetal ultrasound imaging and
 38 hear the auscultation of the fetal heart tone if the fetal heart tone is
 39 audible.
 (Reference is to EHB 1172 as printed February 24, 2006.)

Conference Committee Report
on
Engrossed House Bill 1172

Signed by:

Representative Harris T
Chairperson

Senator Drozda

Representative Woodruff

Senator Craycraft

House Conferees

Senate Conferees